

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dwight Allen Merriman et al.      Art Unit : 3714  
Serial No. : 10/798,340      Examiner : Ronald Laneau  
Filed : March 12, 2004      Conf. No. : 5600  
Title : METHOD OF DELIVERY OF TARGETING, AND MEASURING  
ADVERTISING OVER NETWORKS

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT IN REPLY TO ACTION OF JUNE 14, 2010

Please amend the above-identified application as detailed below and consider the following remarks.

Amendments to the claims are reflected in a listing of claims that begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

### AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions and listings of claims in the application.

#### Listing of Claims

1. (Currently Amended) A method for advertising, comprising:

contracting with a first affiliate web site to embed a first link to an advertisement server within content of said first affiliate web site, wherein said first link is sent to a user node in response to a request for said content from said user node to said first affiliate web site;

receiving, by an advertisement server computer, a first advertising request from said user node based upon said first link; and

selecting, by the advertisement server computer, an advertisement from among candidate advertisements based upon stored information about said user node and based upon stored information about the candidate advertisements, to send to said user node in response to said first advertising request,

wherein at least one of the stored information about the user node and the stored information about the candidate advertisements includes click-through rate information, the click-through rate information being based on:

(1) empirically-gathered information regarding at least one of:

the candidate advertisements, and

types of advertisements; and

(2) compiled information regarding at least one of:

the user node,

a network associated with the user node, and

the content within which the first link is embedded; and

wherein the advertisement is selected based on a comparison of a predicted click-through rate of the advertisement and predicted click-through rates of other ones of the candidate advertisements, ~~where the predicted click-through rate of the advertisement is greater than the predicted click-through rates of the other ones of the candidate advertisements.~~

2. (Original) The method of claim 1, further comprising:

storing information associated with said first advertising request from said user node;

contracting with a second affiliate web site to embed a second link to an advertisement server within content of said second affiliate web site, wherein said second link is sent to said user node in response to a request for said content from said user node to said second affiliate web site;

receiving a second advertising request from said user node based upon said second link;  
and

selecting an advertisement, based upon said stored information associated with said first advertising request from said user node, to send to said user node in response to said second advertising request.

3. (Previously Presented) The method of claim 1, wherein the information about the user node comprises information regarding a type of advertisement previously selected by the user, the type of advertisement indicating an interest of the user.

4. (Previously Presented) The method of claim 1, wherein the information regarding the candidate advertisements comprises information regarding a click-through rate.

5. (Cancelled)

6. (Previously Presented) The method of claim 1, further comprising compiling information regarding users belonging to a group of users and attributing the compiled information to a user, wherein selecting the advertisement from among the candidate advertisements comprises selecting the advertisement based on the attribution.

7. (Previously Presented) The method of claim 1, wherein selecting the advertisement from among the candidate advertisements comprises targeting the user based on the historical information regarding the candidate advertisements and information regarding at least one of the user and a group including the user.

8. (Currently Amended) A method for advertising, comprising:

receiving, by an advertisement server computer, a first advertising request requesting an advertisement for delivery to a user node; and

selecting, by the advertisement server computer, an advertisement from among candidate advertisements to provide to the user in response to the first advertising request based on a prediction of a response by the user to each of the candidate advertisements, the prediction of the user response to the candidate advertisements being based on click-through rate information compiled from received messages regarding historical user responses to historical advertisement selections, the click-through rate information being based on:

(1) empirically-gathered information regarding at least one of:

the candidate advertisements, and  
types of advertisements; and

(2) compiled information regarding at least one of:

the user node,  
a network associated with the user node, and  
content with which the selected advertisement will be displayed; and

wherein the advertisement is selected based on a comparison of a predicted click-through rate of the advertisement and predicted click-through rates of other ones of the candidate advertisements, ~~where the predicted click-through rate of the advertisement is greater than the predicted click-through rates of the other ones of the candidate advertisements.~~

9-10. (Cancelled)

11. (Previously Presented) The method of claim 8, wherein identifying a user comprises resolving identification of an unknown user based on an IP address of the user.

12. (Previously Presented) The method of claim 8, further comprising reporting, to an advertiser, information based on the historical user responses to historical advertisement selections involving an advertisement associated with the advertiser.

13. (Previously Presented) The method of claim 8, further comprising receiving messages regarding historical user responses to historical advertisement selections.

14. (Currently Amended) A method for distributing advertisements comprising:

receiving, by an advertisement server computer, a first advertising request for an advertisement for delivery to a user node, the first advertising request being based on a link included in a response to a request for a web page, the request for the web page originating from the user node;

selecting, by the advertisement server computer, an advertisement to send to the user node in response to the first advertising request from among candidate advertisements based on:

targeting information for candidate advertisements,

information regarding a likelihood of click through for the candidate advertisements, and

at least one of information contained in the request for an advertisement and information about the web page requested by the user, to send to the user in response to the first advertising request; and

storing information regarding the selection of the advertisement,

wherein the selection of the advertisement based on information regarding a likelihood of click through for the candidate advertisements is based on a comparison of a predicted click-through rate of the advertisement and predicted click-through rates of other ones of the candidate advertisements, ~~where the predicted click through rate of the advertisement is greater than the predicted click through rates of the other ones of the candidate advertisements,~~ and

wherein the information regarding the likelihood of click through for the candidate advertisements is based on:

(1) empirically-gathered information regarding at least one of:

the candidate advertisements, and  
types of advertisements; and

(2) compiled information regarding at least one of:

the user node,  
a network associated with the user node, and  
the web page requested by the user node.

15. (Previously Presented) The method of claim 14, wherein the targeting information includes interest information and wherein selecting comprises identifying a match between an interest of the user and the interest information for the candidate advertisements, wherein the interest of the user is determined based on at least one of the information contained in the request for an advertisement and the information about the web page requested by the user.

16. (Previously Presented) The method of claim 14, wherein the targeting information includes information regarding groups to which the advertisement should be distributed, and wherein selecting comprises determining a group membership of the user based on at least one of information contained in the request for an advertisement and information about the web page requested by the user.

17. (New) The method of claim 1, wherein the predicted click-through rate of the advertisement is greater than the predicted click-through rates of the other ones of the candidate advertisements.

18. (New) The method of claim 8, wherein the predicted click-through rate of the advertisement is greater than the predicted click-through rates of the other ones of the candidate advertisements.

19. (New) The method of claim 14, wherein the predicted click-through rate of the advertisement is greater than the predicted click-through rates of the other ones of the candidate advertisements.

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REMARKS

Claims 1-4, 6-8, and 11-19 are currently pending, with claims 1, 8, and 14 being independent. Claims 1, 8, and 14 have been amended, claims 5, 9, and 10 have been cancelled, and claims 17-19 are new. Support for the amendments can be found at least at paragraph 0033 of the specification, as originally filed. No new matter has been introduced.

All claims continue to be in condition for allowance. Therefore, prompt issuance of a notice of allowance is requested. Should there be any questions regarding this paper, please contact applicants undersigned representative.

Payment in the amount of \$810.00 for the requisite fee for a Request for Continued Examination is made with filing this paper on the Electronic Filing System by deposit account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 14 September 2010

/George P. Bonanto/  
George P. Bonanto  
Reg. No. 59,717

Customer Number 26192  
Fish & Richardson P.C.  
Telephone: (202) 783-5070  
Facsimile: (877) 769-7945